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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/729,341	10/16/1996	OPHIRA R. AHARONSON		3864
41840	7590	01/02/2009	EXAMINER	
RINES & RINES 24 Warren St. CONCORD, NH 03301			LIANG, REGINA	
ART UNIT	PAPER NUMBER			
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01/02/2009	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: OPHIRA R. AHARONSON
and DOV AHARONSON

Application No. 08/729,341
Technology Center 2600

Mailed: January 2, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 10, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed November 14, 2007 is deficient because the "Evidence Relied Upon" section fails to include the reference Cotte US 5,499,108 cited on page 3 in the Examiner's Answer's grounds of rejection of 1-11, 20-42 and 57-58 are under 35 U.S.C. § 112 .

Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to issue a PTO-90 citing the missing reference listed under the Evidence Relied Upon section, paragraph (8); and
- 2) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/kis

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